

### **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 1 and 12-17 are pending in the present application. Claim 2-11 have been cancelled, and claims 12-17 have been added. By the present Amendment, reconsideration and reexamination of the pending claims are respectfully requested.

### **Rejections under 35 U.S.C. § 102(a)**

Claim 1 is rejected under 35 U.S.C. § 102(a) as being anticipated by Krumhar and Bonsignore. Applicants respectfully traverse these rejections.

Independent claim 1 is directed to a fat composition of high purity diglyceride comprising 85% to 99.9% by weight of diglyceride containing 0.1 to 80% by weight of conjugated linoleic acid. However, Krumhar and Bonsignore fail to teach or suggest the claimed specific weight ratio of diglycerides containing conjugated linoleic acid.

Further, the claimed invention has a higher content of diglyceride as compared to Krumhar and Bonsignore. More specifically, the primary constituent of the claimed invention is diglyceride of conjugated linoleic acid (CLA) while the contents of the monoglyceride and triglyceride are low. However, the primary constituent of Krumhar and Bonsignore is triglyceride of CLA, and the contents of the monoglyceride and especially diglyceride are low. In more detail, see paragraph [0033] of Bonsignore, disclosing that CLA-TG (triglyceride of CLA) form eliminates the negative feedback intake characteristics associated with the CLA in the fatty acid form, thus greatly reducing the otherwise known requirements of specific ratio between the two bioactive isomers." Also, the manufacturing process disclosed in the Examples, and claims 9 and 10 of Bonsignore are focused on CLA-TG or CLA-MG (monoglyceride of CLA). In more detail, see paragraphs [0080] to [0099] of Bonsignore. Therefore, Bonsignore merely teaches that CLA-TG and CLA-MG are preferred for an intended purpose and fails to recognize the claimed range of CLA-DG (diglyceride of CLA). From the cited paragraphs, it is clear that the primary and preferred constituent of the composition disclosed in Bonsignore is CLA-TG.

Similarly, Krumhar discloses a fat composition including mono-, di- and triglycerides of CLA. However, Krumhar considers CLA-TG to be preferred constituent in the composition. In more detail, see column 5, sixth paragraph of Krumhar, stating that glycerides resulting from esterification of CLA with glycerol may comprise mono-, di- or triglycerides of a mixture thereof, but triglycerides are preferred. Therefore, like Bonsignore, Krumhar fails to teach or suggest the claimed range of CLA-DG

Accordingly, it is respectfully submitted that independent claim 1 is allowable.

#### New Claims

Claims 12-17 have been added to set forth the invention in a varying scope, and Applicants respectfully submit that the new claims are fully supported by the originally-filed specification. It is respectfully submitted that the dependent claims further define over the applied art.

**Conclusion**

In view of the above remarks, it is believed that the present claims are put in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James T. Eller, Jr., Reg. No. 39,538 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: January 22, 2008

Respectfully submitted,

By 

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